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EXAMINER
TRAN, ELLEN C

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 January 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-32_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.
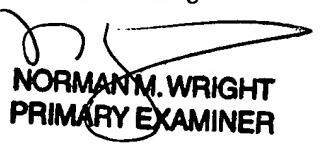
NORMAN M. WRIGHT
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communication: amendment filed on 20

January 2004.

2.   Claims 1-33 are currently pending in this application. Claims 1, 6, 12, 17,

23, and 32 are independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   **Claims 1-3, 6-9, 12-14, 17-20, and 23-33** rejected under 35 U.S.C. 103(a)

as being unpatentable over Wool, U.S. Patent No. 6,373,948 (hereinafter '948),

further in view of Aras et al., U.S. Patent No. 5,872,588 (hereinafter '588).

-      **As to independent claims 1 and 12,** "a storage medium having a

plurality of machine readable instructions" is disclosed in '948 col. 18, lines 7-8 "a

computer readable medium having computer readable program code means

embodied thereon, said computer readable program code means comprising"

and "A method of content level filtering and distribution of digital content" is

disclosed in '948 col. 9, lines 53-67 "utility of the present invention, care must be

taken to ensure that the program identifier, p, assigned to programs with related

content".

- "sending the digital content to the receiver for subsequent rendering when the receiver is trusted" is disclosed in '948 col. 1, lines 7-13 "transmitted programming content, and more particularly, to a system for transmitting an encrypted program together with a program identifier which is used by a set-top terminal, together with stored entitlement information, to derive the decryption key necessary to decrypt the program";

- "applying the mask to the digital content to generate content after mask applied data" is disclosed in '948 col. 10, lines 11-12 "Program identifiers, p, are assigned to programs in the topic hierarchy 600 using the notion of prefix masks"

- "sending the content after mask applied data to the receiver for subsequent rendering of the content" is shown in '948 col. 9, lines 2-3 "transmit the program with the program identifier, p".

'948 **teachings do not disclose** the following text below in italics:

- "*a method of "obtaining the digital content and a mask for obfuscating a selected portion of the digital content"* **however '588 explains this** in col. 10, lines 18-20 "Thus, objectionable language may be silenced when the video portion is presented";

- "determining if a receiver of the digital content is trusted" is taught in '588 col. 10, lines 21-24 "when home station determines that AVM are to be screened".

- It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of '948, which explain how content level filtering occurs in a content distribution system. One of ordinary skill in the art would have been motivated to perform such a modification because content filtering is desired for parental control features. As indicated by '948 (see col. 10, lines 9 et seq.) "The RATING 217 and CATEGORY 219 fields as shown in AVI-EC 209 are particularly useful when the home station contains a screening or parental control feature to filter AVM presentations".

5. **As to dependent claims 2 and 13** "digital content comprises video data and the mask comprises a replacement...one or more frames of video data" is disclosed in '588 col. 10, lines 26-30 "or obscure it in a way that allows the subscriber to follow the plot but not be presented with the objectionable material".

6. **As to dependent claims 3 and 14** *"digital content comprises audio data and the mask comprises a replacement audio clip"* is disclosed in '588 col. 10, lines 18-21 "Thus objectionable language may be silenced while".

7. **As to independent claims 6 and 17** "a storage medium having a plurality of machine readable instructions" is disclosed in '948 col. 18, lines 7-8 "a computer readable medium having computer readable program code means embodied thereon, said computer readable program code means comprising" and "A method of content level filtering and distribution of digital content" is disclosed in '948 col. 9, lines 53-67 "utility of the present invention, care must be taken to ensure that the program identifier, p, assigned to programs with related content".

- "obtaining the digital content and a mask for obfuscating" '588 explains this in col. 10, lines 18-20 "Thus, objectionable language may be silenced when the video portion is presented";

- "determining if a channel for distributing the content is trusted" 588 col. 10, lines 21-24 "when home station determines that AVM are to be screened";

- "when the channel is not trusted ... applying the mask to the digital content to generate content after mask applied" is disclosed in col. 10, lines 11-12 "Program identifiers, p, are assigned to programs in the topic hierarchy 600 using the notion of prefix masks"

- "encrypting the masked content" is disclosed in '948 col. 1, lines 7-13 "transmitted programming content, and more particularly, to a system for transmitting an encrypted program together with a program identifier which is used by a set-top terminal, together with stored entitlement information, to derive the decryption key necessary to decrypt the program";

- "decrypting the masked content, and reversing masking to reproduce original content" is taught in '948 col. 1, lines 41-43 "provides the customer with a set-top terminal (STT) containing one or more decryption keys which may be utilized to decrypt programs that a customer is entitled to";

- "sending the content after mask applied data to the receiver for subsequent rendering ... when the receiver is not trusted" is taught in '948 col. 1, 43-44 "In this manner, the set-top terminal receives encrypted transmission and decrypts the programs that the customer is entitled to, but nothing else".

8.   **As to dependent claims 7 and 18** "when the channel is trusted ...

determining if a receiver of the digital content is trusted" is taught in '588 col. 10,

lines 21-24 "when home station determines that AVM are to be screened";

- "sending the digital content to receiver for subsequent rendering when

the receiver is trusted" is disclosed in '948 col. 1, lines 7-13 "transmitted

programming content, and more particularly, to a system for transmitting an

encrypted program together with a program identifier which is used by a set-top

terminal, together with stored entitlement information, to derive the decryption

key necessary to decrypt the program";

- "applying the mask to the digital content to generate content" is

disclosed in col. 10, lines 11-12 "Program identifiers, p, are assigned to programs

in the topic hierarchy 600 using the notion of prefix masks";

- "after mask applied data and sending the content after mask applied

data" is shown in '948 col. 9, lines 2-3 "transmit the program with the program

identifier, p";

- " receiver for subsequent rendering of the content after mask applied

data when the receiver is not trusted" is disclosed in '948 col. 1, lines 7-13

"transmitted programming content, and more particularly, to a system for

transmitting an encrypted program together with a program identifier which is

used by a set-top terminal, together with stored entitlement information, to derive

the decryption key necessary to decrypt the program".

9.   **As to dependent claims 8, 9, 19, and 20** the claims have the same

language as used in claims 2, 3, 13, and 14 and respectively therefore are

similarly rejected under the same rationale noted in paragraphs 6 and 7.

10.   **As to independent claim 23,** "A system providing content level filtering"

is disclosed in '948 col. 9, lines 53-67 "utility of the present invention, care must

be taken to ensure that the program identifier, p, assigned to programs with

related content";

   -   "distribution of digital content" is taught in col. 9 lines 2-3 "transmit the

program with the program identifier, p";

   -   "a content censor to identify regions of content to obfuscate" and " a

mask generator to accept the content and regions and produce a mask to apply

to the content to obfuscate" '588 explains this in col. 10, lines 18-20 "Thus,

objectionable language may be silenced when the video portion is presented";

11.   **As to dependent claim 24,** "The system of claim 23, wherein the mask

generator links the content with the regions...to produce content after mask

applied" and "encrypts the masked content" is taught in '948 col. 5 lines 26-29 "if

a customer is entitled to a particular program, the set-top terminal 300 will be

able to derive the program key, Kp, from stored and received information".

12.   **As to dependent claim 25,** "The system of claim 23, further comprising a

distributor to transmit the content and the mask to a receiver" is disclosed in '948

col. 1, lines 3-5 "to a system for transmitting an encrypted program together with

a program identifier which is used by a set-top terminal".

13.   **As to dependent claim 26,** "The system of claim 23, further comprising a

distributor to transmit content after mask applied to a receiver" is disclosed in

'948

col. 1, lines 3-5 "to a system for transmitting an encrypted program together with

a program identifier which is used by a set-top terminal".

14.   **As to dependent claim 27,** "The system of claim 23, further comprising a

distributor to transmit content after mask applied data and encrypted masked

content to a receiver" is disclosed in '948 col. 1, lines 3-5 "to a system for

transmitting an encrypted program together with a program identifier which is

used by a set-top terminal".

15.   **As to dependent claim 28,** "The system of claim 23, wherein the receiver

comprises a masker to apply the mask to the content to produce content after

mask applied data for rendering by the receiver" is taught in '588 col. 10, lines

12-13 "when the home station contains a screening or parental control feature to

filter AVM presentations".

16.   **As to dependent claim 29,** "The system of claim 27, wherein the receiver

comprises a decryptor to decrypt the encrypted masked content and a de-masker

to reverse masking of the content after mask applied data to reproduce original

content for rendering by the receiver" is shown in '948 col. 1, lines 41-43

"provides the customer with a set-top terminal (STT) containing one or more

decryption keys which may be utilized to decrypt programs that a customer is

entitled to".

17.   **As to dependent claim 30,** "The system of claim 23, further comprising a

content creator to create the digital content" is disclosed in '948 col. 1, lines 10-

14 "which is used by a set-top terminal, together with stored entitlement

information, to derive the decryption key necessary to decrypt the program".

18.   **As to dependent claim 31,** "The system of claim 23, wherein the content

censor comprises a region identification tool to identify a region of the digital

content to obfuscate" is taught in '588 col. 10, lines 21-25 "The screener

mechanism may work in cooperation with an obscuration mechanism such that

when home station with an obscuration mechanism such that when home station

determines that AVM to be screened an obstruction mechanism is invoked to

modify or blank the presentation of the AVM".

19.   **As to independent claim 32,** "A method of distributing digital content in a

hierarchical content distribution system" is disclosed in '948 col. 4 lines 21-23

"FIG. 6 illustrates a representative topic hierarchy utilized by the head-end server

of FIG. 2 to organize programs in a manner that allows programs with related

content";

        -   "determining a security of a transmission channel" is disclosed in '588

col. 22, line 60 – col. 23, line 9 "collecting behavior information on channels that

do not provide AVI information ... one or more channels may not have AVI

information embedded in the AVM ... when no AVI information is available the

home station may store the appropriate channel designation along with a code

that indicts that the AVI information was unavailable";

-   "determining a mode of content distribution" is disclosed in '588 col. 2 lines 46-56 "Since the viewed material may be received through a variety of channels controlled by more than one source ... Consequently, there remains a need for a method to universally identify audio-visual material broadcast through IT (analog or digital) system and to record these in an efficient manner";

-   "when the mode is a first mode ... obtaining the digital content and a mask to apply to the digital content to obfuscate selected portions of the digital content when the transmission channel is trusted" '588 explains this in col. 10, lines 18-20 "Thus, objectionable language may be silenced when the video portion is presented";

-   "obtaining after mask applied data when the transmission channel is not trusted" and "when the mode is not a first mode, obtaining content after mask applied data and encrypted masked content" is disclosed in '948 col. 1, lines 43-45 "In this manner, the se-top terminal receives encrypted transmission and decrypts the programs that the customer is entitled to, but nothing else";

-   "sending obtained data to other entities" disclosed in '948 col. 9 lines 2-3 "transmit the program with the program identifier, p"

-   "in the hierarchical content distribution system" disclosed in '948 col. 10 lines 11-12 "Program identifiers, p, are assigned to programs in the topic hierarchy 600 using the potion of prefix masks".

20.   **As to dependent claim 33,** "The method of claim 21, further comprising sending the obtained data to at least one receiver" is disclosed in '948 col. lines col. 9 lines 3-8 "The communication port 230 connects the head-end server 200

to the distribution network 110, thereby linking the head-end server 200 to each

connected receiver, such as the set-top terminal 300 shown".

21.   **Claims 4, 10, 15, and 21** as being unpatentable over rejected under 35

U.S.C. 103(a) as being unpatentable over '948 in view of '588, and further in view

of Ritchey, U.S. Patent No. 5,495,576 (hereinafter '576).

22.   **As to dependent claims 4, 10, 15, and 21** The following **is not taught in

the combination of '948 and '588** "digital content comprises three dimensional

volume data" is shown in '576 col. 14 lines 59-63 "Still alternatively a graphics

computer 19 is operated as an input source 2 (not shown) to create a 3-D world

model 14a. The computer system includes a digital computer including a central

processing unit, memory, communication ports and the like" and the mask

comprises a replacement three dimensional region" **however '576 discloses**

"where various 3-D digitizer system may be incorporated for entering 3-D shape

and contour data into an image processing computer; a third processing means

to manipulate the geometry of subjects comprising the virtual model" in col. 2

lines 26-30.

         -    It would have been obvious to one of ordinary skill in the art at the time

of the invention to modify the combination of teachings in '948 and '588, that

explain how content level filtering and censorship occurs in a content distribution

system. One of ordinary skill in the art would have been motivated to perform

such a modification because the ability to filter the contents of a three

dimensional region are needed for sensor fusion of data as disclosed in '536 (see

col. 2 lines 10 et seq.) "It is therefore the objective of this invention to provide a

more versatile image based panoramic virtual reality and telepresence system
and method".

23.   **Claims 5, 11, 16, and 22** rejected under 35 U.S.C. 103(a) as being

unpatentable over rejected under 35 U.S.C. 103(a) as being unpatentable over

'948 in view of '588, and further in view of Shoff et al., U.S. Patent No. 6,240,555

(hereinafter '555).

24.   **As to dependent claims 5, 11, 16, and 22** The following **is not taught in**

the combination of '948 and '588 "mask results in replacement of a selected

portion of the digital content with a replacement creative component" however

"The system and method for presenting interactive entertainment programs is

advantageous as it returns the freedom of creativity to the content developer

....the content and the presentation format of how the content and broadcast

program are displayed to the view ... No longer is the developer simply

developing content to be displayed within a fixed pane that cannot by

dynamically altered" is shown in '588 col. 12 lines 24-38.

        -   It would have been obvious to one of ordinary skill in the art at the time

of the invention to modify the combination of teachings in '948 and '588, that

explain how content level filtering and censorship occurs in a content distribution

system. One of ordinary skill in the art would have been motivated to perform

such a modification because creative content editing is a desire strongly desired

for those use to interactive digital data streams as disclosed by '555 (see col. 2

lines et seq. 48 and lines 56 et seq.) "Accordingly, the content providers are

significantly limited in what they can create in the way of a full interactive media

event" and "This invention concerns an interactive entertainment system for

supplying interactive supplemental content along with continuous video content

programs to viewers".

Response to Arguments

25.   Applicant's arguments filed 20 January 2004 have been fully considered

but they are not persuasive.

In response to applicant's arguments on page 9, that '948 does not teach:

"that a portion of the content itself is modified to obfuscate selected portions of

the content", the Office Action, paper #4 does not indicate that '948 teach this but

relies on '588 col. 10, lines 18-20. Therefore in response against the references

individually, one cannot show nonobviousness by attacking references

individually where the rejections are based on combinations of references. See

In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800

F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument on page 9, that the masking occurs

"at any point in the content distribution hierarchy or transmission chain" and

"mask to change the content prior to distribution to a receiver" paper #4 uses the

combination of references '948 and '588 to show modification of the content.   As

indicated '948 allows distributor to change digital content, '588 allows receiver to

change digital content. Therefore in response against the references individually,

one cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument on the top of page 10, that the

references fail to show certain features of applicant's invention, it is noted that

the features upon which applicant relies ("carried separately from the original

content") are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not

read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993).

In response to applicant's argument middle of page 10, it is noted that the

features upon which applicant relies ("One or more masks") are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van

Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments on page 11, that Wool does not

teach that the Mask can be applied to the content itself or that content maybe

transmitted with a mask, paper #4 uses the combination of references '948 and

'588 to show modification of the content and transmitting the digital content.

Therefore in response against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375

(Fed. Cir. 1986).

In response to applicant's arguments on page 13, that "Aras does not

teach the masking of selected portions but merely provides an overview of well

known parental control circuitry". Aras teachings indicate "an obstruction

mechanism may ... obscure it in a way that allows the subscriber to follow the

plot but not be presented with the objectionable material" on col. 10 which clearly

show that the masking can occur to a selected portion of the digital content.

There are many references to teach content filtering (or obfuscating a selected

portion), which is well known in the art see U.S. Patent Nos. 6,687,240 B1,

6,351,596 B1, and 6,216,228.

In response to applicant's arguments on page 13 that the modification

performed by Aras are done by the receiver end.   It is the combination of

teachings of Aras and Wool that shown modification and distribution. Therefore

in response against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375

(Fed. Cir. 1986).

In response to applicant's argument on bottom of page 13, that there is no

suggestion to combine the references, the examiner recognizes that obviousness

can only be established by combining or modifying the teachings of the prior art

to produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837

F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) And *In re Jones*, 958 F.2d 347, 21

USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation for the rejection is found

in Aras '588 in paragraph cited in paper #4 as well as in col. 1 lines 27 et seq.

"Broadcast and/or Interactive television may be distributed over a variety of

means, including but not limited to ... In most cases, interactive television will co-

exist with broadcast television". Since Wool is a method used for controlling

access to transmitted programming it would be obvious to combine the two

references.

In response to applicant's argument on page 14 "(Neither of the

references teach or suggest determining if the transmission channel for

distributing the content is trusted ... in the cryptographic sense") are not recited

in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As stated

in paper #4 "when home station determines that AVM are to be screened" (i.e.

home station is screening the content because the content or distributor is not

trusted).

In response to applicant's argument on page 14 "4) The limitation of

encrypting the masked content is not taught or suggested in Wool" It is the

combination of teachings of Aras and Wool that shown masking, encryption, and

distribution. Therefore in response against the references individually, one

cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument, page 15 "5) The limitation of

reversing the masking is not taught" It is the combination of teachings of Aras

and Wool that shown reversing masking. Therefore in response against the

references individually, one cannot show nonobviousness by attacking

references individually where the rejections are based on combinations of

references. See *In re Keller,* 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument, bottom of page 15, "The cited text of

Aras at col. 10 ... is wholly deficient in teaching or suggesting the claimed

limitations" the text refers to well known methods of tagging and later removing or

replacing AVM. The "home station" identifies regions to be obfuscated.

In response to applicant's argument on page 16, for claims 24-29, the

applicant argues against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller,* 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375

(Fed. Cir. 1986).

In response to applicant's argument on page 16, for claim 31 "Aras does

not each or suggest that a region ID tool" this is taught in reference col. 10 (i.e.

"ID tool" same as "sub-portion identifiers").

In response to applicant's argument on page 17, for claim 32 Aras teaches "security of transmission channel" in col. 22, line 60 through col. 23, line 9 (i.e. "determining security of a transmission channel" same as "collecting behavior information on channels").

In response to applicant's argument on bottom of page 17, "Ritchey appears to have no relevance to the claimed invention". It is the combination of teachings '576, '948, and '588 that teach the dependent claims. Therefore, in response one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument on page 18 that Shoff does not teach the limitations of claims 5, 11, 16, and 22. It is the combination of teachings that are cited for the original rejection in paper #4, Shoff teaches a creative component, '588 teaches a mask for selected portions, and '948 teaches distribution method. Therefore, in response one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

26.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Chapman et al.	U.S. Patent No. 6,216,228	Apr. 10, 2001
Ostrover	U.S. Patent No. 6,351,596	Feb. 26, 2002
Goddard	U.S. Patent No. 6,684,240	Jan. 27, 2004

27.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Ellen C Tran whose telephone number is

(703) 305-8917. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone

number for the organization where this application or proceeding is assigned is

703-872-9306.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the receptionist whose telephone number is

(703) 306-5484.
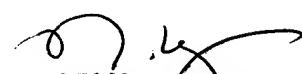
NORMAN M. WRIGHT
PRIMARY EXAMINER

Ellen. Tran
Patent Examiner
Technology Center 2134
February 24, 2004